

VZCZCXYZ0014
RR RUEHWEB

DE RUEHBW #0215/01 0461604
ZNR UUUUU ZZH
R 151604Z FEB 07
FM AMEMBASSY BELGRADE
TO RUEHC/SECSTATE WASHDC 0256
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHPS/USOFFICE PRISTINA 3641

UNCLAS BELGRADE 000215

SIPDIS

SENSITIVE
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DEPT FOR EUR/SCE

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KO](#) [SR](#)
SUBJECT: SERBIAN PARLIAMENT REJECTS AHTISAARI PLAN

REF: Belgrade 210

SUMMARY

11. (SBU) As expected, Belgrade's new parliament overwhelmingly rejected the Ahtisaari plan as ?illegal? during its first session on 2/14. The reappointed Kosovo negotiating team is now equipped with a largely rejectionist platform -- mostly reflective of the last government's position on Kosovo -- to take to Vienna next week for the next round of discussions. End Summary.

PARTY LEADERS PEPPERED THROUGHOUT DEPUTY LINEUP

12. (SBU) The new parliament opened its session with the appointment of acting Speaker Borka Vucic -- a Socialist Party of Serbia (SPS) deputy who served as personal banker for the late Slobodan Milosevic -- who will serve as Speaker until a government is formed and a permanent Speaker appointed. The parliament verified the mandates of all newly-elected deputies, including such government ministry hopefuls as Democratic Party's (DS) Bozidar Djelic, Dragan Sutanovac, and Dusan Petrovic; Democratic Party of Serbia's (DSS) Vladeta Jankovic; and G17 Plus chairman Mladjan Dinkic. Parliamentary deputies cannot both hold a parliamentary post and chair a government ministry, but their positions in parliament guarantee they will serve in Serbian leadership somewhere. (Note: For a parliamentary deputy to take on a government position, he or she must resign from parliament, and the party must designate a new deputy from its originally submitted list. The ranks of all major parties are large enough that a change in deputies could be easily accomplished. End note.)

13. (SBU) Liberal Democratic Party (LDP) chairman Ceda Jovanovic and the chairs of all parties in the party's pre-election coalition will all serve in parliament, which appears to reinforce the coalition's resolve to stay in opposition given its disparaging view toward serving alongside PM Kostunica's DSS. SPS chairman Ivica Dacic also leads his party's deputy list -- accompanied by a group who generally supports his views within the party -- indicating that he also does not foresee holding a place in the new Serbian government.

KOSOVO NEGOTIATING TEAM REAPPOINTED

14. (SBU) The newly established parliament's sole tasks were to confirm a negotiating team for the next round of Kosovo talks in Vienna on 21 February and to arm that team with a platform. The platform -- which DS and DSS representatives drafted together -- calls for parliament to confirm the pre-existing negotiating team, rather than appointing a new one (reftel). As such, parliament reappointed the existing

team, including those members who will no longer be in government, such as lame-duck Foreign Minister Vuk Draskovic.

PLATFORM PASSED WITH LITTLE RESISTANCE

15. (SBU) President Tadic and PM Kostunica addressed the parliament first regarding the platform, followed by each party chair. Tadic emphasized that UN Special Envoy Ahtisaari's proposal on Kosovo is unconstitutional and that therefore he as President cannot accept it, but that the Serbs must continue to negotiate until a more politically sound resolution is reached. Kostunica reiterated his view that the Ahtisaari document proposes dismembering Serbia and that the battle for Kosovo is an issue of "right versus might," the Serbs being in the right. He added that "might" (alluding to the 1999 bombing) got the Kosovars the status they currently have under UN Resolution 1244.

16. (SBU) The party chair speeches underscored a near-unanimous rejection of the Ahtisaari document, spiced with vitriol toward those parties in dissent. Dacic singled out Riza Halimi, who represents the Presevo Valley Albanians, asserting that the Albanians had no reason to push for Kosovo independence because Albanians in Serbia enjoy the same rights as they do in Kosovo, and that the Albanians would surely push for territorial claims on southern Serbia if Kosovo gained independence. DSS spokesman Milos Aligrudic -- whose position was largely echoed by SRS acting chairman Tomislav Nikolic -- expressed his antipathy more broadly, claiming that parties like LDP and the minorities could eke their way into parliament on a platform of giving away Kosovo but that statesmen would never emerge from the ranks of these parties. In response, Ceda Jovanovic stressed that Belgrade remains locked in the policies of the 1990s and cannot move ahead; he urged parliament to focus on the needs of the Kosovo Serbs, rather than holding onto Serbian territory.

17. (SBU) As expected, parliament made no changes to the draft resolution published this morning in Serbian press. As reported in reftel, the draft contains few changes to the previous government's platform but does contain some language specific to the proposal on Kosovo put forth by UN Special Envoy Ahtisaari. Of 243 deputies present, 225 voted in favor of the draft. The LDP coalition's 15 representatives voted against, three Hungarian deputies abstained, and Halimi had to leave the session prior to the vote.

18. (SBU) The final resolution reads as follows:

A) Draft Resolution following UN Special Envoy Martti Ahtisaari's "Comprehensive Proposal for the Kosovo Status Settlement" and continuation of negotiations on the future status of Kosovo-Metohija:

B) Reaffirming the Constitution of the Republic of Serbia, that in its Preamble states that "the Province of Kosovo-Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo-Metohija in all internal and foreign political relations",

C) Bearing in mind Article 8 of the Constitution of the Republic of Serbia stating that "the territory of the Republic of Serbia is inseparable and indivisible" and that "the border of the Republic of Serbia is inviolable", as well as Article 182 which states that "substantial autonomy of the Autonomous province of Kosovo-Metohija shall be regulated by a special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution",

D) Considering the main principles and norms of

international law, and particularly the Charter of the United Nations, the 1975 Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) as well as other documents of international organizations in which state sovereignty and territorial integrity are set as foundations of modern international order,

E) Recalling that the UN Security Council's Resolution No. 1244 (1999), with guarantees to sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY), established the position of Kosovo-Metohija as substantial autonomy within the FRY, whose international successor is the Republic of Serbia,

F) Assured that the issue of the future status of Kosovo-Metohija must be based on main principles and norms of international law, and vying for a peaceful, all-encompassing and durable solution through negotiations,

G) Bearing in mind that UN Secretary General's Special Envoy for the future status of Kosovo-Metohija Martti Ahtisaari delivered his "Comprehensive Proposal for the Kosovo Status Settlement" to the Serbian state authorities which disrespects sovereignty and territorial integrity of the Republic of Serbia in relation to Kosovo-Metohija, and at the same time proposes that Kosovo-Metohija be given a series of rights and prerogatives that belong only to sovereign states,

H) Reconfirming the Resolution of the National Assembly of the Republic of Serbia adopted on November 25, 2005 on the mandate for political talks on the future status of Kosovo-Metohija, and particularly the paragraph stating that "the National Assembly of the Republic of Serbia would proclaim any imposed solution of the Kosovo-Metohija future status illegitimate, illegal and void,"

I) Having confirmed the platform of the state negotiating team for talks on the future status of Kosovo-Metohija from January 5, 2006, basic stances stated in the speeches of the President of Serbia Boris Tadic and Prime Minister of Serbia Vojislav Kostunica delivered at Vienna talks on July 24, 2006, as well as the contents of the documents presented by the state negotiating team in the course of 2006 at the talks in Vienna (regarding decentralization in the province and establishing new municipalities with Serbian majority, protection of the Serbian Orthodox Church, its churches and monasteries, its property and the Serbian cultural heritage in the province, economic and other issues),

J) The National Assembly of the Republic of Serbia hereby adopts the following:

K) The National Assembly of the Republic of Serbia concludes that the Proposal of UN Secretary-General's Special Envoy Martti Ahtisaari breaches the fundamental principles of international law since it does not take into consideration the sovereignty and territorial integrity of the Republic of Serbia in relation to Kosovo-Metohija. In this Proposal, Kosovo-Metohija is beyond any doubt and against international law given the attributes of a sovereign state, thus illegally laying the foundations for the creation of an independent state on the territory of Serbia.

L) The National Assembly of the Republic of Serbia therefore rejects all articles in the UN Secretary-General's Special Envoy's Proposal which breach the sovereignty and territorial integrity of the Republic of Serbia as an internationally recognized state. The National Assembly of the Republic of Serbia warns that this questions the possibility of coming to a compromise solution reached through agreement which would represent the basic goal of talks on Kosovo-Metohija's future status.

M) The National Assembly of the Republic of Serbia once more emphasizes that only through negotiations held under

the auspices of the United Nations, without pressure and artificially imposed deadlines can a mutually acceptable and long-term solution be reached which will be in line with international law and democratic values built into the foundations of contemporary states and their mutual relations.

N) Considering this essential commitment, the National Assembly of the Republic of Serbia hereby renews the mandate of the state negotiating team and places it under obligation so that at the upcoming talks in Vienna on the future status of Kosovo-Metohija it will represent The National Assembly of the Republic of Serbia's policy, adopted in parliament's previous Resolution and hereby confirmed anew, which includes the defense of Serbia's sovereignty and territorial integrity, protection of the rights and interests of the Serbian people and the Serbian Orthodox Church in the province, preservation of the entire Serbian religious and cultural heritage in Kosovo-Metohija, as well as the interests of non-ethnic Albanian communities.

O) The National Assembly of the Republic of Serbia particularly demands that in the course of the upcoming talks the Serbian state negotiating team presents Serbia's position regarding the whole of UN Secretary-General's Special Envoy's Proposal by formulating, in line with this Resolution, its concrete proposals and resolutions, as well as to submit a report to Serbia parliament immediately upon their return from the talks. The National Assembly of the Republic of Serbia will then decide on the further course of negotiations.

P) Advocating a compromise, consensual solution to the future status of Kosovo-Metohija, the National Assembly of the Republic of Serbia emphasizes that imposed independence of the province will have unforeseeable negative consequences. Such an outcome will have farreaching consequences on the stability of the region, impede the European perspective of the entire Western Balkans and present an extremely dangerous precedent for resolving minority issues and territorial disputes throughout Europe and the world. The National Assembly of the Republic of Serbia therefore calls upon all states, international organizations and other international elements to oppose the imperilment of Serbia's sovereignty and territorial integrity and reject any imposed solution to the future status of Kosovo-Metohija."

COMMENT

¶9. (SBU) While unable to sway the overwhelming consensus among so-called Democrats, Milosevic Socialists and Radicals, the voice of a real opposition in parliament, from the Liberal Democrat Coalition to the single seat of Southern Serbia Albanians, lends a new and slightly hopeful note to the unreconstructed rhetoric of Serbia's majority political class. Most of the latter will continue for some time to insist on fighting to hang on to elements of a past that destroyed Yugoslavia and has relegated Serbia to the end of the pack in the race for success and prosperity in a new Europe.

¶10. (SBU) This initial session of parliament brought little surprise, as most politicians seized the opportunity to publicly lambaste those with views in opposition rather than engage in constructive dialogue. Former Vojvodina Assembly Speaker Nenad Canak aptly noted in the press that Belgrade has moved from a single-party system to a multi-party system with a single position (on Kosovo, at least). Belgrade does have a Kosovo negotiating team and platform, though, and government leaders can no longer hide behind claims that no governing body has the mandate to engage in talks.

¶11. (SBU) As reported in reftel, we do not anticipate any further action in the new parliament until after a government is formed and a Speaker appointed. At that

point, the election of a Speaker, Deputy Speaker, working bodies, and secretaries, as well as reviewing bills on ministries and the cabinet's election, will be on the parliament's agenda. With parliament in place, the parties have 90 days to form a government, but the lags in coalition negotiations suggest there may be no progress on items unrelated to Kosovo for quite some time.

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